

THE HON'BLE SRI JUSTICE C.V. RAMULU

Thursday, 6th July, 2006

W.P.No.19436 of 2001

-
Between :

-
Annam Venkateswara Rao ... Petitioner

-
and

The Managing Director,
House Fed Limited,
Hyderabad & others ... Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.19436 of 2001

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the Proceedings of the 2nd respondent in executing the decree in E.P.No.28/91-92 under Rule 52(11)(e) of A.P. Cooperative Societies Rules,1964 in pursuance of the certificate dated 10-3-1992 issued under Section 71 of the Act by the 2nd respondent as arbitrary and illegal.

There is no dispute as to the fact that a dispute before the Arbitrator was raised and an Award was passed by him. The Award passed by the Arbitrator was questioned before the Cooperative Tribunal. The Tribunal confirmed the Award of the Arbitrator. In pursuance of that, a certificate under Section 71 of the A.P. Cooperative Societies Act was issued. However, when that certificate was sought to be executed, the present Writ Petition is filed.

There is no necessity of going into all the other details. It is suffice to notice that during the pendency of the Writ Petition, an interim order was passed by this Court on 19-9-2001 in W.P.M.P.No.24491 of 2001 staying all further proceedings including the sale of the property in E.P.No.28/91-92, subject to the condition of the petitioner depositing half of the amount due. Learned counsel for the petitioner states that the said order has already been complied with on 10-10-2001 itself.

In the facts and circumstances of the case, I am of the opinion that the questions raised in the Writ Petition are pure questions of fact and no question of law arises for consideration to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Therefore, the Writ Petition is liable to be dismissed. However, the petitioner is granted three months time from now to satisfy the decree. In default, the authorities are at liberty to proceed with the execution proceedings. Respondent No.2 shall furnish the total amount to be payable by the petitioner as on date, duly deducting the amounts already paid in pursuance of the interim order passed by this Court.

Subject to the above direction, the Writ Petition is dismissed.
No order as to costs.

06-7-2006

prk